

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

JERRY NELSON and MICHELE DUSHANE, *

Plaintiffs, *

vs. *

CASE NO. 4:20-CV-213 (CDL)

CORRECTHEALTH MUSCOGEE LLC, *et*
al., *

Defendants. *

O R D E R

The parties entered a stipulation of dismissal as to Plaintiffs' claims against Jacqueline White (ECF No. 186). In light of the stipulation of dismissal, White's summary judgment motion (ECF No. 159) is terminated as moot. Plaintiffs' claims against Healthcare Staffing, Inc. are based on White's conduct, and Healthcare Staffing filed a summary judgment motion seeking to dismiss all of Plaintiffs' claims against Healthcare Staffing (ECF No. 138). Plaintiffs did not oppose that summary judgment motion; instead, "Plaintiffs agree that Healthcare Staffing has no fault in this case." Pls.' Mot. for Partial Summ. J. 2, ECF No. 140. Accordingly, Healthcare Staffing's summary judgment motion is granted, and Healthcare Staffing shall be terminated as a Defendant in this action.

Plaintiffs filed their own motion for partial summary judgment regarding Healthcare Staffing (ECF No. 140). In

essence, Plaintiffs ask the Court for an advisory opinion on whether fault may be apportioned to Healthcare Staffing. If the remaining Defendants file in good faith a notice of intent to apportion fault to Healthcare Staffing despite Healthcare Staffing's dismissal from this action, the Court will have to decide whether it is appropriate to permit the Defendants to raise the apportionment defense. Unless that happens, the issue is not properly before the Court, and Plaintiffs' partial summary judgment on the matter (ECF No. 140) is terminated.

IT IS SO ORDERED, this 4th day of May, 2022.

s/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA